IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 2531 of 2000

Between:

K.Lakshmipathi, S/o K.Krishnaiah,
R/o 118, Shopping Complex, D.M.B.Road,

Tirumala, Chittoor Dist.

..... PETITIONER

AND

1 Tirumala Tirupathi Devasthanams,Tirupati, Chittoor Dist.,

rep. by its Executive Officer.
2 The Asst. Executive Officer, (Revenue) Incharge, Tirumala Tirupathi Devasthanams,Tirumala, Chittoor Dist.
3 The Asst. Executive Officer, (Revenue) Tirumala Tirupathi Devasthanams,Tirumala, Chittoor Dist.
4 The Divisional Engineer, Electricity, Tirumala Tirupathi Devasthanams,Tirumala, Chittoor Dist.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari, calling for the records, pertaining to proceedings Roc.No.Revl/763/AEO(Rev)/Tml/94, dt.7-2-2000, issued by the 2nd respondent and quash the same as wholly arbitrary, highly illegal, discriminatory and unconstitutional, being violative of Articles 14,19,21 and 300(A) of the Constitution of India and also violative of principles of natural justice, and consequently declare the same as void abinito, null and void and nonest in the eye of law.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondents: MR.M.ADINARAYANA RAJU

S.C. for T.T.D.

The Court made the following

ORDER:

Challenging the proceedings dated 07-02-2000 cancelling the earlier proceedings dated 21-04-1993 allotting shop No.118 in shopping complex, Tirumala, in favour of one P. Nagaiah (deceased), in which shop the petitioner claims to be pursuing his business currently, the writ petition is filed.

On the admitted factual scenario, some time from 1980, on the basis of being the highest bidder at an auction,
P. Nagaiah, was allotted a shop in one of the Tirumala roads. Eventually after shifting from place to place, shop No.118 in the shopping complex came to be allotted to the said Nagaiah. In a private arrangement, it would appear, Nagaiah permitted the petitioner to pursue his business in shop No.118 without intimation or prior sanction of the Tirumala Tirupathi Devasthanam (T.T.D.). The impugned proceedings result in the eviction of the petitioner, as his claim to business therein was on the basis of a private arrangement between Nagaiah and himself in respect of the shop in question.

During the pendency of the writ petition, the respondent-T.T.D., in recognition of the fact that the proceedings dated
07-02-2000 was issued without notice or opportunity to the petitioner, who is currently in occupation of the shop, undertook to comply with the principles of natural justice and heard the petitioner, who was effected, before considering cancellation

of the allotment. Accordingly, the respondent issued a show cause notice to the petitioner dated 01-06-2000 to which the petitioner gave his explanation dated 19-06-2000. Considering the relevant material, the first respondent by his proceedings dated

13-02-2005 cancelled the orders issued by the Gram Panchayat, permitting the petitioner to run his business in shop No.118 of shopping complex and directed the petitioner to hand over the vacant possession of the shop to the respondent-T.T.D.

The order dated 13-02-2005 comprehensively eclipses and substitutes the earlier order dated 07-02-2000, which is impugned in the writ petition. In the circumstances, the grievance specifically urged in the writ petition does not survive for adjudication. The writ petitioner if aggrieved by the order of the first respondent, dated 13-02-2005 is at liberty to pursue his appropriate remedies against the said order. As the order impugned in this writ petition does not survive, nor does the writ petition.

The writ petition is accordingly dismissed as infructuous. No costs.

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GODA RAGHURAM, J

17th February, 2005

isn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Executive Officer,

Tirumala Tirupathi Devasthanams,Tirupati, Chittoor Dist.,

2 The Asst. Executive Officer, (Revenue) Incharge, Tirumala Tirupathi Devasthanams,Tirumala, Chittoor Dist.
3 The Asst. Executive Officer, (Revenue) Tirumala Tirupathi Devasthanams,Tirumala, Chittoor Dist.
4 The Divisional Engineer, Electricity, Tirumala Tirupathi Devasthanams,Tirumala, Chittoor Dist.

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